

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA, <i>ex rel.</i> ,)	
JACQUE LEE,)	
)	
Plaintiffs,)	CIVIL ACTION NO.: 3:13-cv-0171
)	JUDGE HAYNES
v.)	MAGISTRATE JUDGE GRIFFIN
)	
VANGUARD HEALTH SERVICES, INC., et al.,)	<u>UNDER SEAL</u>
)	
Defendants.)	

**NOTICE OF ELECTION TO INTERVENE IN PART
FOR PURPOSES OF SETTLEMENT AND TO DECLINE TO INTERVENE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action for purposes of settlement and to decline to intervene in part of this action. The United States intervenes in those portions of the Complaint [D.E. 1] that allege (1) violations of the False Claims Act (“FCA”) based on submission of claims to Medicare that resulted from the payment of salaries and bonuses by Arizona Heart Institute (“AHI”) to Drs. David J. Caparrelli, Neil J. Goldberg, Venkatesh G. Ramaiah, Julio A. Rodriguez-Lopez, Robert K. Strumpf, Grayson H. Wheatley, III, and Claudio G. Zamorano that violated The Stark Law and Anti-Kickback Statute; (2) violations of the FCA based on submission of claims to Medicare under Dr. Strumpf’s provider number for cardiac rehabilitation services performed at AHI that were not properly supervised; and (3) violations of the FCA based on submission of claims to Medicare for Evaluation and Management services rendered by AHI physicians at a higher level CPT code than was supportable. The United States intervenes to this extent against Defendants Vanguard Physician Services, LLC and Abrazo Health Systems.

The United States declines to intervene in all other parts of the Complaint and as to Defendants Vanguard Health Services, Inc., MedSynergies, Inc., and Arizona Heart Institute, LLC.¹ The parties have executed a settlement agreement resolving this case with no issues to remain before the Court. The United States and Relator intend to file a stipulation of dismissal after this matter has been unsealed and certain commitments in the agreement have been fulfilled.

The United States requests that Relator's Complaint [D.E. 1]; Docket Nos. 2-12, 14-16, 18-20, 22, 23, 25-27, 29, 30, 32, 33, and 35; this Notice [D.E. 36]; and the attached proposed Order be unsealed, but that all other papers currently on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended or partially lifted.

A proposed order accompanies this Notice.

Respectfully submitted,

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Middle District of Tennessee

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¹ The settlement agreement referenced in this Notice also includes Vanguard Health Systems, Inc. and Arizona Heart Institute.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2015, a copy of the foregoing Notice of Election to Intervene in Part for Purposes of Settlement and to Decline to Intervene in Part was filed by email with the Clerk's Office per instruction of the Court. A service copy was served via First Class U.S. Mail, postage prepaid, on the following:

David W. Garrison
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Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, as amended, Defendants have not been served with copies of the foregoing Notice.

s/Christopher C. Sabis
CHRISTOPHER C. SABIS
Assistant U.S. Attorney